

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
2005 SEP 28 AM 11:50  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MURRAY REHRS, ) Case No. 4:05cv3014  
 )  
 Plaintiff, )  
 ) PROPOSED PROTECTIVE  
 v. ) ORDER  
 )  
 THE IAMS CO. et al., )  
 )  
 Defendant(s). )

Pursuant to the Court's Order (Filing No. 48), the Parties provide the following proposed protective order for entry by the Court.

WHEREAS, the Court finds that information as to the defendant(s) High Performance Work System ("HPWS") should be protected and held in confidence;

IT IS THEREFORE ORDERED:

1. Before produced documents are copied or inspected, the defendant(s) may stamp as "Confidential: Subject to Protective Order" on any document or deposition testimony that is related to the HPWS;
2. Any confidential documents produced to plaintiff shall be disclosed only to plaintiff, his legal counsel, counsel's clerical staff, expert witness(es) utilized and/or consulted by plaintiff's counsel and any witness in the course of the instant litigation. Prior to receiving or being shown confidential documents, persons falling in these categories shall be shown a copy of, and shall agree in writing, or on the record during trial or deposition, to be bound by the terms of this Protective Order. During a deposition, any party asserting confidentiality of any of its documents shall ask the deponent on the record to accept the terms of this Order. If the

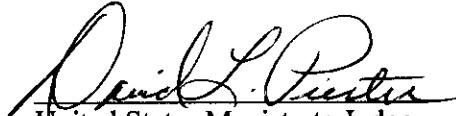
deponent refuses to assent, disclosure of the documents during deposition shall not constitute a waiver of confidentiality.

3. Persons having knowledge of confidential information and documents by virtue of this litigation shall use them for that purpose only and shall not knowingly disclose such confidential documents or information their contents or any portion or summary thereof to any person not involved in this litigation.
4. Nothing in this Order shall be construed to prevent plaintiff or his attorney from using or introducing any documents or information in the course of the prosecution of this legal action.
5. Plaintiff may challenge the "Confidential: Subject to Protective Order" designation of any document, by notifying all interested parties and providing the producing party at least ten (10) days notice before the plaintiff party moves the Court for an Order preventing or limiting disclosure. The parties shall attempt to resolve such disagreement before submitting it to the Court. If the plaintiff files such a motion within such time, the documents shall continue to be treated as "Confidential: Subject to Protective Order" pursuant to the terms of this Order until such time as the Court has made a ruling with respect to the motion
6. If any person having access to the confidential information or documents identified herein violates the requirements of this order, the defendant(s) shall have the right to request a hearing before the Court to determine if plaintiff should be precluded from using such documents as a sanction. Further, plaintiff will return all such confidential documents disclosed in violation of this order to defendant(s)' counsel immediately, pending the outcome of any hearing regarding extenuating circumstances. Persons in violation of this order shall also be subject to contempt citations by the Court.

7. Defendant(s) shall notify plaintiff upon resolution of this legal action what documents it wants returned and the plaintiff shall return those so identified within ten (10) business days.
8. The failure to insist upon full compliance with any of the terms of this Protective Order in any instance shall not be deemed to be a waiver of the subsequent right to insist upon full compliance with the those terms.
9. The prohibitions of this Protective Order do not apply to any party's use of its own confidential information in the regular course of its own business.

IT IS SO ORDERED this 27 day of September, 2005.

BY THE COURT:



United States Magistrate Judge

Approved by:

s/Paul D. Boross  
Paul D. Boross #20878  
941 "O" Street, #708  
Lincoln, NE 68508  
(402) 474-6100  
Attorney for Plaintiff  
DOCS/693939.1

s/Scott P. Moore  
Scott P. Moore #20752  
1500 Woodmen Tower  
Omaha, NE 68102  
(402) 636-8268  
Attorney for Defendant(s)